

EXPRESS MAIL CERTIFICATE EL 669 434 759 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: VARRIANO-MARSTON, Elizabeth

Group Art Unit:

Serial No.

Examiner:

Filed: Herein

Atty. Dkt. No: MARS93-DIV

For: REGISTERED MICROPERFORATED FILMS FOR MODIFIED/CONTROLLED  
ATMOSPHERE PACKAGING

To: Commissioner of Patents  
Box Application and Fee  
Washington, D.C. 20231

Fm:



24222

PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING 37 CFR 1.10: I certify that this correspondence is being deposited on the below date with the U.S. Postal Service with sufficient postage as EXPRESS MAIL POST OFFICE TO ADDRESSEE addressed to: Assistant Commissioner of Patents, Washington, DC 20231.

Date: 06/08/2001

*Debra A. Stengel*  
[ ] Vernon C. Maine, Reg. No. 37,389 or [ ] Scott J. Asmus, Reg. No. 42,269

Dear Sir:

LETTER OF TRANSMITTAL

Submitted herewith is a divisional application for United States patent consisting of 1 pages Patent Application Bibliographic Data Sheet, 36 pages of cover sheet, specification and claims, 4 sheets of drawings, 1 page of declaration and power of attorney --- sheets of form 1619 recordation form cover, --- page assignment, 2 page information disclosure statement, 1 pages form 1449, and 12 specimens of prior art.

[ X ] (37 CFR 1.9(f) & 1.27(c)) Small Entity status applies.

[ X ] (35 U.S.C. 122(b)(2)(B)(i)) PTO form PTO/SB/35 re: Publication enclosed

[ ] PCT application being filed concurrently

This application claims priority to US Application Serial Number 60/132,388 filed on 05/04/1999 and is a divisional of pending US Application Serial Number 09/528,290 filed on 03/17/2000 (Group art unit: 1761, Examiner: WEINSTEIN, S.)

The invention was not made by an agency of the United States Government nor under a contract with an agency of the United States Government.

Fee calculation table:

Fee calculation is based on 2 independent and 20 total claims

- |  |                      |
|--|----------------------|
| <input checked="" type="checkbox"/> 37CFR1.16(a) Basic filing fee - Utility                            | \$355.00             |
| <input type="checkbox"/> 37CFR1.16(b) Independent claims in excess of three - <u>   </u> x \$40.00 ea. |                      |
| <input type="checkbox"/> 37CFR1.16(c) Claims in excess of twenty - <u>   </u> x \$9.00 ea.             |                      |
| <input type="checkbox"/> 37CFR1.21(h) Recordation of Assignment  | \$ <u>          </u> |
| <b>TOTAL DUE:</b>  | <b>\$355.00</b>      |

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Enclosed is [ ] credit card authorization PTO2038 or check # 4656, in the amount of \$355.00, payable to Commissioner of Patents and Trademarks. All necessary fees relating to the attached submittal, if any, are intended to be included. However, the Office is hereby authorized to charge any deficiency or credit any overpayment in the fees to deposit account 500323.

Respectfully submitted,



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**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	VARRIANO-MARSTON, Elizabeth
Title	REGISTERED MICROPERFORATED FILMS FOR MODIFIED/ CONTROLLED ATMOSPHERE PACKAGING
Atty Docket Number	MARS93-DIV

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

June 8 2001

Date

Scott J. Asmus

Signature

Scott J. Asmus, Reg No. 42,269

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

APPLICATION FOR LETTERS PATENT

Be it known that Elizabeth Varriano-Marston, a citizen of the United States, having a residence address at 18 Wilson Road, Windham, NH 03087, has invented a new and useful article of manufacture, method, and system, for a REGISTERED MICROPERFORATED FILMS FOR MODIFIED/CONTROLLED ATMOSPHERE PACKAGING, of which the following is a specification therefor.